WAD 2917
FF# 3c
9/20/1993

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

BURLINGTON ENVIRONMENTAL INC., Appellant, v. STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Respondent.	PCHB No. 92-166 **STIPULATED AGREEMENT AND ORDER OF DISMISSAL**

I. STIPULATED AGREEMENT

COME NOW the Washington State Department of Ecology (Ecology) and Burlington Environmental Inc. (Burlington), and hereby stipulate to a settlement of all state-only issues which are the subject of the above-captioned appeal. In order to avoid future litigation and to ensure compliance with ch. 70.105D RCW and RCRA, 42 U.S.C. § 6901, Ecology and Burlington agree to an order of dismissal of this appeal on the following terms and conditions.

1. Burlington operates a dangerous waste treatment and storage facility at Pier 91 located in Seattle, Washington, on real property owned by the Port of Seattle.

2. On August 26, 1992, the RCRA Final Facility Permit No. WAD 000812917 for the Storage and Treatment of Dangerous Waste

became effective for the Burlington Pier 91 facility in accordance with applicable provisions of the Hazardous Waste Management Act, ch. 70.105 RCW, and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984. This permit was issued under signature by Ecology, dated July 22, 1992.

3. On August 21, 1992, Burlington appealed certain issues in the permit to the Pollution Control Hearings Board (PCHB).

4. The specific provisions of the permit appealed by Burlington were: (a) the definition of "facility" contained in the permit; (b) required use of Washington State Accredited Laboratory for waste analysis (Permit Section II.A.6.a.ii); (c) required PCB analysis of each incoming shipment of waste to the facility (Permit Section II.A.12); (d) ignitability testing requirements (Permit Section II.A.16); (e) required maintenance of certain records at the facility (Permit Section II.C.1.d.v.); (f) certain requirements for clean closure of the facility (Permit Section II.D.7); (g) requirements and scheduling for construction of portions of the permitted facility (Permit Section IV.B.1); and (h) general facility compliance requirements (Permit Section IV.C.4.).

5. The parties have reached settlement on all of the foregoing issues on appeal. With respect to issue (a) above relating to the definition of "facility" for purposes of the permit, EPA and Ecology have provided clarification in a

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separate letter to Burlington, a true and correct copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Burlington and Ecology have agreed upon final revisions to the permit conditions identified as issues (b), (c), (e), (f), and (h) above. The parties agree to retain the original language of Permit II.A.16, issue (d) above. These final revisions to the permit conditions have been set forth in the Addendum to the Permit for the Storage and Treatment of Dangerous Waste dated August 23, 1993, a true and correct copy of which is attached hereto as Exhibit B and incorporated herein by this reference (the August 23, 1993 Addendum).

6. With respect to issue (f) (Permit Condition II.D.7) above, Burlington and Ecology have agreed that implementation by Burlington of the approved closure plan, Attachment HH and LL to the permit, can achieve the clean closure standards of Permit Condition II.D.7. Permit Condition II.D.8 specifies that sampling and analysis for the purposes of closure shall be in accordance with Attachments HH and LL. Additional sampling and analysis for all waste constituents listed in WAC 173-303-9905 is not required by Permit Condition II.D.7. However, pursuant to WAC 173-303-830(3)(a)(ii), (v) and -610(3)(b)(iv), Ecology may require modification of the facility closure plan in the event of new information; changes in facility design, operations or expected year of closure; or unexpected events at the time of closure. Two examples of instances which are sufficient cause

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for Ecology to require modification of the closure plan are specified in Permit Condition II.D.8.

7. The _____, 1993 Addendum shall be incorporated as part of the Final Part B Permit for the Pier 91 Facility upon the signing of the Order of Dismissal contained herein by the PCHB. The revisions contained in the August 23, 1993 Addendum shall become effective and enforceable seven (7) calendar days from the date of the Order of Dismissal herein.

8. The Stipulation of Partial Stay and Proposal Partial Settlement, effective November 6, 1992, with respect to any condition which remains the subject of this appeal and which is contained in the Final Part B Permit, shall have no further force or effect as of the effective date of the August 23, 1993 Addendum as established in the Order of Dismissal herein.

9. Each undersigned representative of the parties to this Stipulated Agreement and Order of Dismissal certify that he/she is fully authorized to enter into the terms and conditions of this Stipulated Agreement and to bind legally the parties to this document.

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ATTORNEY GENERAL OF WASHINGTON
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PO Box 40117
Olympia, WA 98504-0117

BURLINGTON ENVIRONMENTAL INC.

By _____ Date 11/10/93
MIKE E. BRANDEBERRY
Senior Vice President
Law and Governmental Affairs

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Thomas Eaton Date 8/25/93
THOMAS EATON
Program Manager
Hazardous Waste & Toxics Reduction

CHRISTINE O. GREGOIRE
Attorney General

Jay J. Manning Date 9/20/93
JAY J. MANNING
Senior Assistant Attorney General
for Department of Ecology

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II. ORDER OF DISMISSAL

The PCHB having reviewed the foregoing Stipulated Agreement and the files and pleadings herein, and it appearing that the parties have reached final settlement of all issues which are the subject of this appeal and the Stipulation of Partial Stay and Proposal Partial Settlement effective November 6, 1992, it is hereby Ordered:

That the foregoing Stipulated Agreement is entered, the issues raised by Burlington's appeal are hereby fully resolved and not subject to further action under this proceeding; the revisions contained in the Addendum attached hereto as Exhibit B shall become effective seven (7) calendar days from the effective date of this Order of Dismissal; and the Partial Stay entered by this Board effective November 6, 1992 is lifted and shall have no further force or effect.

DATED this 20th day of ~~August~~ September, 1993.

POLLUTION CONTROL HEARINGS BOARD

Robert O. Jensen
Chairman

Richard C. Kelley
Member

135/burl.sta

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

July 15, 1993

Keith Lund
Burlington Environmental Inc.
Waterfront Place One
1011 Western Ave, Suite 700
Seattle WA 98104

Dear Mr. Lund:

Re: Corrective Action responsibility at the Burlington Environmental Inc. (Burlington) Pier 91 facility

As we discussed in our meeting of April 7, 1993, the Department of Ecology (Ecology) and the Environmental Protection Agency (EPA) are providing clarification as to Burlington's responsibility for corrective action at the Pier 91 facility. Burlington has raised concerns that the current "state only" Dangerous Waste Facility Permit implies Burlington is solely responsible for corrective action at the entire Terminal 91 facility. This "facility," as defined in the state permit, constitutes all contiguous property owned by the Port of Seattle at Piers 90 and 91. This "facility" encompasses 124 acres. Within this area, Burlington currently leases approximately four acres (the Premises) from the Port of Seattle. Note that the Premises include structures and leased underground piping. Less than two acres of the Premises are permitted by the state for continued waste management operations. The remainder of the Premises will remain Burlington's responsibility for purposes of corrective action and closure. The implication that Burlington has primary responsibility for the approximately 120 acres outside the boundaries of the Premises is not Ecology's or EPA's intent.

Ecology and EPA recognize that Burlington's responsibility for corrective action is limited to contamination on the Premises, contamination originating on the Premises that has migrated outside the Premises, and any other contamination outside the Premises that occurred as a result of Burlington's operations. As such Ecology and EPA expect that Burlington will comply with the existing RCRA Section 3008(h) order covering the Premises until RCRA corrective action requirements relating to permitted facilities under RCRA Section 3004(u) are in effect under the final RCRA/HSWA Permit. With respect to contamination on property surrounding the Premises owned and controlled by the Port of Seattle, to the extent such contamination does not originate from the Premises or Burlington's operations, the Port of Seattle will bear action responsibility. The

EXHIBIT A

HSWA permit to be issued by EPA will delineate the RCRA corrective action responsibilities of Burlington and the Port of Seattle, and both parties may participate in the comment and appeal process set forth in 40 CFR Part 124 at the time that permit is issued.

We hope that this letter provides sufficient clarification of your corrective action responsibilities at Pier 91. If you have any further questions please contact Doug Brown at Ecology at 459-6993 or Christy Ahlstrom at 553-8506.

Sincerely,

Gerald Lenssen

Gerald Lenssen, Supervisor
Hazardous Waste Permits

David Bartus

Dave Bartus, Acting Chief
RCRA Permits Section

cc: Stephanie Delaney, Attorney General's Office
Doug Hotchkiss, Port of Seattle
Julie Sellick, NWRO
Galen Tritt, NWRO

EXHIBIT B

ADDENDUM TO THE
PERMIT
FOR THE STORAGE AND TREATMENT
OF DANGEROUS WASTE

ISSUED TO: Burlington Environmental Inc.
(Pier 91 Facility)
2203 Airport Way So., Suite 400
Seattle, Washington 98134
Telephone: (206) 223 0500
EPA Identification No. WAD 000812917

Pursuant to the Stipulation and Agreed Order of Dismissal of an appeal before the Washington State Pollution Control Hearings Board (PCHB NO. 92-166 **BURLINGTON ENVIRONMENTAL INC v. DOE**) the following portions of the Final RCRA Part B Permit issued to Burlington Environmental Inc. for their Pier 91 facility shall read as reflected on the following pages of this Addendum:

Permit Conditions II.A.6., II.A.12., II.C.1., IV.B.1., and IV.C.4.; Section IV.A. of the Permit; Section C2.9 and Figure C2-2 of Attachment CC (PCB Analysis and Tracking Procedures); Appendix C-3 of Attachment CC (Quality Assurance Program Plan); Section G of Attachment GG (Contingency Plan); and Section F2.0 of Attachment EE (Inspection Schedule).

Drawing No. 43008 of Appendix D-8 of Attachment II is deleted.

This Addendum to the Permit is effective seven (7) calendar days after the date of entry of the Settlement of PCHB NO. 92-166 by the PCHB and shall remain in effect until August 26, 2002 unless revoked and reissued under WAC 173-303-830(3), terminated under WAC 173-303-830(5), or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON DEPARTMENT OF ECOLOGY

Thomas Eaton

Thomas Eaton, Program Manager
Hazardous Waste and Toxics Reduction
Department of Ecology

Date 8/23/93

II.A.6. Each regulated generator waste stream which is received by the Permittee more than twice a year shall undergo annual full characterization. Full characterization is defined as completing a waste profile sheet which shall identify the dangerous constituents and characteristics necessary for proper designation and management of the waste stream, along with accounting for 100% of the material (e.g., 30% oil, 70% water).

a. Except as specified in c. below, full characterization shall include or consist of:

i. Existing published or documented data on the dangerous waste or on waste generated from similar processes. The use of existing published or documented data shall include confirmation by the generator that the process generating the dangerous waste has not significantly changed; or

ii. Laboratory analysis of the waste stream consisting of chemical, physical, and/or biological analyses using methods which are approved by the Agency or Department. Wastes shall be analyzed for all hazardous constituents except those which can be demonstrated not to be present in any of that generator's waste streams, or those which do not change the proper designation and management of the waste stream.

b. Analysis for the purposes of a.ii. above shall be performed by a laboratory which meets one of the following standards:

i. The laboratory is accredited by Washington State under Chapter 173-50 WAC; or

ii. The laboratory meets the standards of the Quality Assurance Program Plan, Appendix C-3 of Attachment CC. Such a laboratory shall be audited by the Permittee every two years or whenever analyses for the purposes of full characterization are performed, whichever is longer.

A. If the Department determines that any laboratory utilized by the Permittee does not meet the requirements of the Quality Assurance Program Plan, the Department may issue a final decision requiring a new audit of that laboratory. The issuance of such a decision shall constitute an Agency action subject to the rights of appeal under Chapter 34.05 RCW.

B. Except for frequency, audits of laboratories by the Permittee shall be performed as specified in the Quality Assurance Program Plan.

c. In the following circumstances a waste stream shall undergo full characterization consisting solely of laboratory analyses meeting the requirements of a.ii. above, and knowledge as necessary to designate a waste under WAC 173-303-080, Dangerous Waste Lists. Such characterization shall occur prior to receipt of the next shipment of that waste stream.

i. The permittee has been notified, or has reason to believe, that the process or operation generating the dangerous waste has significantly changed;

ii. There is a discrepancy between a generator's waste designation, as provided by the generator's waste profile and the Permittee's waste designation, as determined by the screening analysis and any further waste analysis;

iii. The first time a waste undergoes full characterization. This shall include but not be limited to all waste streams for which waste profiles are amended, such as pursuant to Permit Condition II.A.14.a.i.; and

iv. No more than five years from the last full characterization by laboratory analysis.

d. The following wastes are exempt from the requirement of c. above, periodic full characterization by laboratory analysis only:

i. Residue and debris from the clean up of spills or releases of:

A. A single known substance;

B. A commercial product; or

C. Other material for which a MSDS or waste profile can be provided;

ii. Bulk unused commercial chemical products (i.e., off-specification or outdated materials).

II.A.12. The non-aqueous phase of each outgoing shipment of used oil, used oil fuel, and dangerous waste generated at the facility shall be sampled and analyzed for the presence of PCBs, using the PCB Analysis as defined in Attachment CC. Should detectable levels of PCBs be identified in any such outgoing shipment, the source of the PCBs will be identified and contaminated materials will be disposed of in accordance with procedures in Attachment CC.

II.C.1. Operating Record: The Permittee shall maintain a written operating record at the facility, consisting of records kept for the length of time specified below. The record can be a compilation of various documents and when specifically noted may be by reference to records maintained at the corporate office, located at Waterfront Place One, Suite 700, 1011 Western Avenue, Seattle, WA. The Permittee shall also record all information referenced in this Permit in the operating record within 48 hours of the information becoming available. The operating record shall include, but not be limited to, the information listed below.

a. The following records shall be maintained until closure and corrective action are complete and certified:

i. A current map showing the location of dangerous waste management units and non-regulated units within the facility;

ii. A map showing all locations of past dangerous waste management units if different from present locations;

iii. Assessment reports, as per WAC 173-303-360(2)(k), of all incidents that require implementation of the contingency plan (may be by reference to records at the corporate office);

iv. Record of spills and releases (may be by reference to records at the corporate office);

v. Written reports and records of verbal notification to the Director to address releases, fires, and explosions (may be by reference to records at the corporate office);

vi. Summaries of all records of corrective action;

vii. All other environmental permits (current copies shall be maintained at the facility, past copies may be by reference to records at the corporate office);

viii. Corrective action deed notification (may be by reference to records at the corporate office);

ix. The following information, as it relates to the waste analysis plan;

A. The date(s), exact place, and times of sampling or measurements;

B. The name of the individual(s) who performed the sampling or measurements;

C. The date(s) analyses were performed, demonstrating that EPA SW-846 holding times were satisfied;

D. The name of the individual(s) who performed the analyses;

E. The analytical techniques or method used (may be by reference to records at the corporate office);

F. The analytical results;

G. The QA/QC summary (may be by reference to records at the corporate office); and

H. The type and model # of the equipment used for analysis (may be by reference to records at the corporate office).

x. Training records of current Permittee facility personnel; and

xi. Facility construction records pursuant to Permit Condition IV.B.2. (may be by reference to records at the corporate office).

b. The following records shall be maintained for a minimum of 5 years. This time period may be extended by the Department in the event of enforcement action or notification by the Department that an investigation is ongoing. In the case of notification of investigation, the Permittee will not be required to keep the records longer than one (1) year past the normal time frame unless an enforcement action is issued:

i. Facility operation and maintenance records and reports prepared pursuant to this Permit;

ii. Date(s) and method(s) of treatment used per dangerous waste process operation including name(s) of personnel performing actual operation;

iii. Progress reports and any required notifications prepared pursuant to this Permit (may be by reference to records at the corporate office);

iv. Records of all inspection and monitoring information, including all calibration and maintenance records which shall include at a minimum:

A. The date and time of data recording;

B. The name of the person taking and recording the information; and

C. The recorded information itself whether consisting of observation, data measurement, instrument reading or any other monitoring method.

v. Annual reports submitted in compliance with WAC 173-303-220(1), Generator Report - Form 4 unless the reports are necessary to supplement information required by a. above, in which case they must be retained until facility closure and corrective action are complete and certified (may be by reference to records at the corporate office); and

vi. Records of laboratory audits pursuant to the Quality Assurance Program Plan, Appendix C-3 of Attachment CC, and Permit Condition II.A.6.b.ii. (may be by reference to records at the corporate office).

c. The following records shall be maintained for a minimum of 3 years. This time period may be extended by the Department in the event of enforcement action or notification by the Department that an investigation is ongoing. In the case of notification of investigation, the Permittee will not be required to keep the records longer than one (1) year past the normal time frame unless an enforcement action is issued:

i. The records of all inspections and analyses required by Permit Condition IV.A.3.b.;

ii. Manifests and any required unmanifested shipment or exception reports;

iii. Training records of former Permittee facility personnel; and

iv. Annual reports submitted in compliance with WAC 173-303-390(2), TSD Facility Report - Form 5, unless the reports are necessary to supplement information required by a. above, in which case they must be retained until facility closure and corrective action are complete and certified (may be by reference to records at the corporate office).

d. Current copies of the following documents as amended, revised, and modified shall be maintained at the facility until closure and corrective action are complete and certified:

i. Contingency Plan;

ii. Training Plan;

iii. Waste Analysis Plan;

iv. Documentation of arrangements made with local authorities pursuant to WAC 173-303-340;

v. All closure, interim measures, and final corrective action cost estimates; financial assurance documents prepared pursuant to this Permit; as well as the company names and addresses of Permittee insurers (may be by reference to records at the corporate office);

vi. Closure Plan;

vii. For all new and converted "new" tank systems, pursuant to WAC 173-303-640(3):

A. An assessment, by an independent, registered professional engineer or independent qualified tank installation inspector not affiliated with the tank vendor, certified by an independent, registered professional engineer, that the tank system was installed properly and that all discrepancies have been repaired;

B. Results of tightness testing and integrity assessments; and

C. For all tanks which require corrosion protection, a written statement from a corrosion expert that attests to the proper design and installation of any corrosion protection measures.

viii. The results of periodic tightness testing and integrity assessments of all tank systems; and

ix. The results of tightness testing of the interspace area between tank bottoms pursuant to Permit Condition IV.A.3.d.

IV.B.1. Construction related activities identified below shall be performed within the time specified.

a. The loading/unloading pad shall be completed within seven (7) months of the permit effective date.

b. The following activities shall be completed within 60 months of the permit effective date. The Permittee shall notify the Department at least 120 days prior to the initiation of construction.

i. Area A (See Figure IV-1):

A. Upgrade secondary containment to meet Permit requirements;

B. Remove tanks 106 and 108; and

C. Install tanks 2702 and 2704.

ii. Area B (See Figure IV-1):

A. Upgrade secondary containment to meet Permit requirements; and

B. Retrofit double bottoms on tanks 2701 and 2703.

iii. Area C (See Figure IV-1):

A. Upgrade secondary containment to meet Permit requirements;

B. Install tanks 2307, 2308, 2309, and 2310; and

C. Place tanks 2709 and 2710 into service. Tanks 2709 and 2710 shall be designed and constructed in accordance with all specifications in Figure D1-11, Attachment II; Drawings 43007 and 44006, Appendix D-8 of Attachment II; and the structural and corrosion integrity assessments of Appendix D-9 of Attachment II.

IV.C.4. Upon request by the Department, the Permittee shall submit samples of waste or environmental media for analysis by an independent, accredited laboratory. The Department may require analysis for any waste constituent, characteristic, or criteria which has a reasonable possibility of being present. Submittals under this provision shall be limited to two (2) events per year, and 12 samples per event. Requests by the Department under this provision shall constitute an Agency action subject to the rights of appeal under Chapter 34.05 RCW.

IV.A. TANK COMPLIANCE REQUIREMENTS

IV.A.1. For all tanks which undergo modification, permit modification procedures, pursuant to Permit Condition I.C.3., will be followed. Emergency modifications to correct unsafe conditions may be performed prior to a formal modification request, but such a written request must be submitted within 30 days after the start of modification. The Permittee shall notify the Department, via telephone, within 24 hours of any emergency modifications.

IV.A.2. The Permittee shall vent through activated carbon canisters or catalytic oxidation units all tanks storing material contaminated with organics which could emit toxic vapors during tank filling or because of tank breathing. The Permittee shall use the best demonstrated available technology consistent with primary safety concerns (e.g., risk of fire or explosion) to capture vapors, generated as the result of a fire, which cannot be captured by the carbon canisters or catalytic oxidation units.

IV.A.3. The Permittee shall modify tanks 2705-2708 as specified by design drawings submitted and approved pursuant to Permit Condition IV.A.5. All such modifications shall be completed within 10 months of the approval by the Department of the design drawings pursuant to Permit Condition IV.A.5. The permittee shall obtain new tank integrity assessment certifications pursuant to WAC 173-303-640(2)(c) prior to placing any such modified tank into service.

IV.A.4. The Permittee shall assure that the leak detection systems for tanks 2705-2708 are designed and operated so as to be capable of collecting and detecting any leaked material. Such assurance shall require that, at a minimum:

a. The Permittee shall inspect the leak detection system for evidence of accumulated liquids no less frequently than every 24 hours.

i. If any liquid is detected in the receptacle device (defined in Attachment EE) the Permittee shall immediately determine whether the liquid is condensation or leaked material. Such a determination shall be made in accordance with an inspection plan approved pursuant to Permit Condition IV.A.6. If liquid in the receptacle device is determined to be leaked material the Permittee shall, at a minimum, do the following:

A. Immediately take the tank out of service; and

B. Remove all tank contents within 24 hours.

ii. If any leaked material is detected in the receptacle device any liquid present in the sump beneath the receptacle device shall be assumed to be dangerous waste and shall be promptly removed and appropriately treated or disposed.

b. The Permittee shall perform periodic tightness tests on the interspace areas between the tank bottoms.

i. Tightness tests shall be performed in accordance with procedures specified in Attachment EE. A tank shall be considered tight when, following the procedures of Attachment EE, the air pressure in the interspace decreases less than 0.5 pounds per square inch after temperature stabilization.

ii. Tightness tests shall be performed prior to placing a modified tank into service and no less than once every 6 months thereafter.

iii. Tightness tests shall be performed prior to returning to service any leaking tank which has been repaired.

iv. The results of all tightness tests shall be maintained in the operating record until facility closure.

v. Any tank for which an interspace area between the tank bottoms cannot be demonstrated as tight shall be immediately taken out of service.

vi. Periodic review of the structural integrity of tanks 2705-2708 pursuant to Permit Conditions III.B.1. and III.B.2. shall include review of the most recent interspace tightness test results.

IV.A.5. The Permittee shall submit to the Department revised design drawings for the leak detection systems for tanks 2705-2708 within two (2) weeks of the effective date of this permit condition. Such drawings shall show the dedicated receptacle device and the air couplings for tightness testing of both tank bottom interspaces consistent with the descriptions in Attachment EE. The Department will have four (4) weeks from the date the design drawings are received to either accept or deny the proposal. Failure to respond within four weeks shall constitute acceptance.

IV.A.6. The Permittee shall submit to the Department a revised facility inspection plan within two (2) weeks of the effective date of this permit condition. The revisions to the inspection plan shall specify the procedures by which the Permittee shall determine whether liquid detected in the leak detection receptacle devices for tanks 2705-2708 is condensation or leaked material. The Department shall have four (4) weeks from the date the inspection plan is received to either accept or deny the proposal. Failure to respond within four weeks shall constitute acceptance.

IV.A.7. The Permittee shall submit to the Department a revised facility closure plan. The revisions to the closure plan shall specify the procedures for analysis and/or decontamination or disposal of the leak detection systems for tanks 2705-2708. The Permittee shall submit the revised closure plan in conjunction with the annual closure cost estimate adjustment for inflation which will be submitted in 1994. The Department shall have four (4) weeks from the date the closure plan is received to either accept or deny the proposal. Failure to respond within four weeks shall constitute acceptance.

IV.A.8. The Permittee shall notify the Department within 24 hours of discovering any leakage from tanks 2705-2708. If any of these tanks are found to be leaking and if the Permittee wishes to return the tank to service, the Permittee shall notify the Department prior to implementing any repairs as required by Permit Condition III.B.1. The Department may require additional design changes before the tank is returned to service.

IV.A.9. The Permittee may not store or treat dangerous waste in tanks 2701 or 2703 without modification of the design and operation of the tank bottom and leak detection system. Such a modification shall be pursuant to procedures specified in Permit Condition I.C.3.

Proposed Revision to Attachment CC

Section C2.9 PCB Analysis and Tracking Procedures

Dangerous wastes potentially treatable at the Pier 91 facility will have the non-aqueous portion of the waste stream analyzed for PCBs. If analytical results indicate the material contains greater than 2 ppm PCBs, the material will be directed to an alternate facility.

If the PCB source is determined (through generator knowledge or analytical results) to be greater than 50 ppm, the material will be directed to a facility permitted to receive wastes regulated by the Toxic Substances Control Act (TSCA). If both the source and concentration of PCBs in the material are less than 50 ppm, the material will go to another RCRA permitted facility. D.R.B. 8/13/93

Upon completion of the profiling process and determination that the material is acceptable and treatable at the Pier 91 facility, the generator will be notified and be allowed to schedule the shipment into the facility.

For each shipment of non-aqueous waste sent into the Pier 91 facility, the generator is required to provide a certification stating that the material does not contain PCBs regulated under TSCA. This certification is required to accompany the material into the facility. D.R.B. 8/13/93

When the shipment arrives at the facility, a representative sample will be taken and fingerprint analyses, which include a Chlor-D-Tect test on any oil phases, are performed to assure that the material received significantly matches the material described on the profile. A second representative sample is also taken and retained for analysis in the event of future question or discrepancies.

If the material received does not match the profile, the generator is given the option of re-profiling the material or having the material rejected back to them. If the generator chooses to have the material re-profiled, acceptability of the material at the Pier 91 facility will be determined during the profiling process.

If fingerprint analyses show that the material matches the profile, the material will be accepted and a waste receipt tracking number is assigned to the shipment and all pertinent information is recorded in the waste input log. Additionally, all in-plant transfers are recorded on transfer sheets. By utilizing the waste input log and the in-plant transfer sheets, the contents of any tank can be track to the original shipment(s).

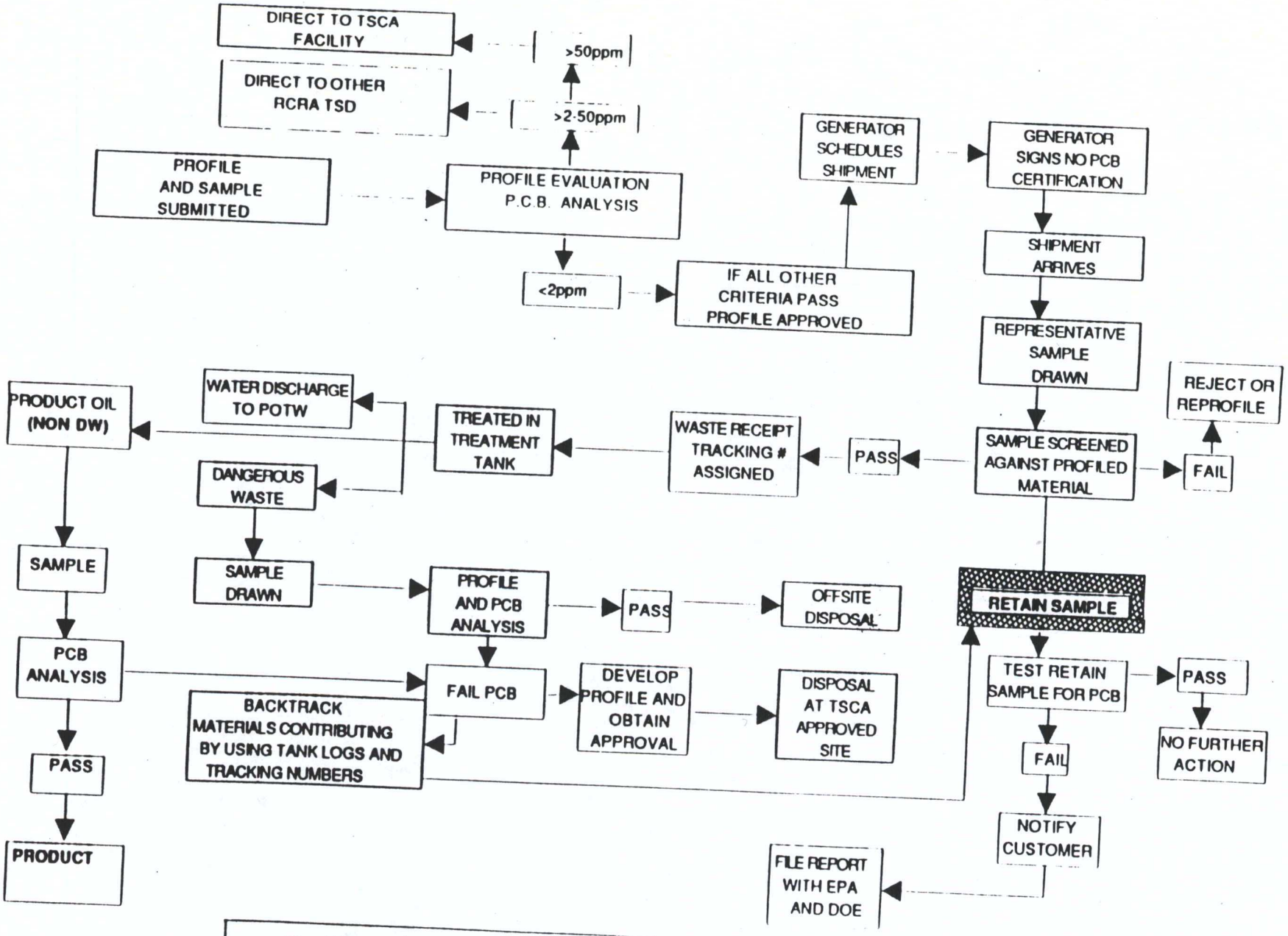
Once the material has been treated, there are potentially three different phases generated: (1) effluent water which is discharged to the POTW under conditions of a permit issued by the Municipality of Metropolitan Seattle, (2) product oil which is tested for parameters to be used as blend stock for marine fuel, and (3) dangerous waste.

The non-aqueous phases of each outgoing shipment of dangerous waste generated at the facility and shipped off-site for further treatment or disposal shall be sampled and analyzed for the presence of regulated concentrations of PCBs using the PCB analysis described in Appendix C-2. PCB analysis shall also be performed on product oil prior to shipment off-site.

If the material fails the PCB analysis, a profile for the material will be submitted to TSCA permitted facility. Upon profile approval, the material will be shipped off-site to the TSCA permitted facility.

In addition, the tank transfer sheets and input logs will be examined and backtracking will be performed to identify all shipments which contributed to the material failing PCB analysis. Once all contributing shipments have been identified, the retain samples of those shipments will be analyzed for PCBs.

If analytical results show that any of the shipments contained PCBs in regulated quantities, facility Operations personnel will notify the appropriate Regulatory Affairs and Sales personnel. The sales representative, in conjunction with Regulatory Affairs, will notify the generator. Operations, in conjunction with Regulatory Affairs, will notify Ecology and EPA through use of an unmanifested waste report.



Burlington Environmental Inc.
Pier 91 Facility

PCB Analysis and Tracking Procedures

Figure C2-2

QUALITY ASSURANCE PROGRAM PLAN

BURLINGTON ENVIRONMENTAL INC.
CORPORATE AND PLANT LABORATORIES

CORPORATE LABORATORY
2203 Airport Way South
Suite 400
Seattle, WA 98134

PIER 91 PLANT LABORATORY
Building 19, Box 105
2001 West Garfield St.
Seattle, WA 98119

Mike Keller
Senior Vice President, Operations

Kathy Kreps, QA Officer & Corporate Laboratory Manager

Date: June, 1993
Revision Number: 15

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The text for the Quality Assurance Program Plan has been omitted from this package due to its length of about 75 pages.

If you want a copy of the entire plan, please contact the Hazardous Waste Permits Unit at (206) 438-7412 before October 22, 1993, or at (206) 407-6703 after October 22, 1993.

Revisions to Pier 91 Permit Attachments

Underlining indicates new language.

Section G, Contingency Plan

Page G28

- Procedures for tank repair:

a. Transfer remaining material from tank to another compatible tank.
b. Air ventilate for 24 hours.
c. Use volatile organic vapor detector to verify no volatile vapors are present. Use confined space entry procedures for internal repairs (see Section F2.2.3, Tank Assessment Schedule, for procedure and required personal protective equipment).
d. For internal repairs, clean tank with wire brush, pressure washer or steam cleaner (for organics). Capture rinsate water for treatment.
e. For Tanks 2705-2708, if a leak from the primary tank bottom is responsible for the release, the tank will be emptied within 24 hours. After the tank has been cleaned, air ventilated and tested for volatile organic vapors, the interspace will be flushed to remove released materials. The flushing procedure will be conducted as follows: Attach a ninety degree elbow (oriented vertically) to the leak detection port. Blind flange the bottom of the leak detection port. Fill interspace with water through the elbow until water overflows the elbow. Disconnect elbow, allow water to drain. Repeat above procedure two more times. The rinsate will be collected in the sump and pumped to an appropriate storage or treatment tank.
f. Specific repairs to a tank must be approved by Burlington Environmental's Engineering Department and Regulatory Affairs Department for compliance with 40 CFR 264.196(f) and WAC 173-303-640(7)(f).

Section F2.0, Inspection Schedule

Page F5

The sumps and secondary containment structures provided for all tank and container storage and treatment systems as well as the leak detection systems for Tanks 2705-2708 are visually inspected daily during operational hours, and at a minimum every 24 hours during non-operational hours, for leakage or accumulated liquids. In this way leaked material and precipitation can be detected within 24 hours and removed in a timely manner.

The inspection observation and frequency of the general facility equipment is described in Section F2.1. Sumps, leak detection systems for Tanks 2705-2708, and secondary containment structures inspections are included with the specific process equipment inspections in Section F2.2.

Pages 13-14 (add after last paragraph on page 13)

The leak detection ports on Tanks 2705-2708 will be equipped with a dedicated receptacle device that will collect any released material before it can reach the sump. These receptacles will be inspected daily for the possible accumulation of released tank contents. Receptacles will be constructed as to exclude rainfall accumulation.

Table F2-5 (add after tank overfilling control equipment)

Leak Detection System	- Visually inspect the leak detection port receptacles for accumulation of released tank contentsl (daily) - Perform periodic tightness testing (semi-annually)

Page F20 (new paragraph before Coupon Inspection Method):

Tanks 2705-2708 will have tightness tests performed on the interspaces between the tank bottoms (once they are refitted with a secondary tank bottom) to ensure that failure of a tank bottom has not occurred. Tightness tests will be performed prior to placing these modified tanks into service and no less than every six months thereafter. Interspace tightness testing shall be performed prior to returning to service any leaking tank which has been repaired. Figure F2-1 contains a diagram of the air pressure test apparatus which will be used to perform these tightness tests.

Page F21 (after Ultrasonic Testing Method)

Tightness Testing Procedure

This procedure tests the interstitial space in Tanks 2705-2708 by applying air pressure using the apparatus specified in Figure F2-1. All seams, joints, and fittings on the test apparatus will be inspected using a soap film, linseed oil, or another material suitable for the detection of leaks.

The testing unit is installed at the leak detection port of the tank (at both interspace points). A minimum liquid level of eight feet in the tank is verified. All tank valves and piping are locked to prevent any pressure changes due to a change in tank liquid level or temperature. An air hose is hooked up to the Chicago air fitting. Once the air is turned on, air is allowed to enter the interstitial space until a pressure of two p.s.i. has been reached on the gauge. Upon reaching this pressure, the testing unit is closed. The air temperature in the interstitial space is then allowed to stabilize for two hours and then the tank is monitored for another two hours to assure that the air pressure remains constant.

The results of all tightness tests will be [redacted] maintained in the operating record until facility closure. Any tank for which an interspace area between the tank bottoms cannot be certified as tight will be immediately taken out of service.

Note: Daily Inspection Forms will be revised to reflect the leak detection system inspection requirements.

Figure 2-1

Air Pressure Test Apparatus & Testing Procedure